

(Rev. 5/05)

ORIGINAL

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) Michael L. Jones 417267
(Name of Plaintiff) (Inmate Number)

1181 Paddock Road, Smyrna Delaware
(Complete Address with zip code) 19977

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Thomas Carroll (Warden)
(2) David Pierce (Deputy Warden)
(3) David Holman (Head of Security)
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number (B) scanned IFP including year, as well as the name of the judicial officer to whom it was assigned:

David Stevenson, Michael Manley, Michael Jones v Thomas Carroll
Warden case no 04-cv-00139, 2004

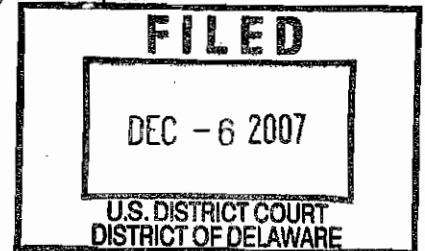
- 07 - 791 -

(Case Number)

(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes • • No
- C. If your answer to "B" is Yes:
1. What steps did you take? I filed a grievance, wrote Deputy Warden David Pierce, Commissioner Carl Danberg, Gov. Ruth Ann Minner, office and Security Superintendent Major David Holman.
 2. What was the result? I never heard back from the grievance. I received letters back from Major Holman, Gov. Ruth Ann Minner, office, and a letter from chief Rick Kearney from Bureau of Prisons on behalf of Commissioner Danberg.
- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)


- (1) Name of first defendant: Thomas Carroll
 Employed as The Warden at Delaware Correctional Center
 Mailing address with zip code: Smyrna Landing Road, Smyrna
Delaware 19977
- (2) Name of second defendant: David Pierce
 Employed as Deputy Warden at Delaware Correctional Center
 Mailing address with zip code: Smyrna Landing Road, Smyrna Delaware
19977
- (3) Name of third defendant: David Holman
 Employed as Security Superintendent at Delaware Correctional Center
 Mailing address with zip code: Smyrna Landing Road, Smyrna Delaware
19977

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

(SEE ATTACHED SHEET FOR ADDITIONAL DEFENDANTS.)

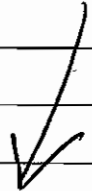
IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. SEE ATTACHED SHEET

- 2.
- 3.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. SEE ATTACHED SHEET


2.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1st day of November, 2007.

Michael L. Jones 417267
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Names of Defendants (CONTINUE)

4. STAFF Lieutenant Karen Hawkins
5. Raynard Jones (Correctional Officer)
6. Audrey Evans (Correctional Officer)
7. Keshaw Travies (Correctional Officer)
8. Lieutenant Larry Savage (Hearing officer)
9. Floyd S. Dixon (Bureau of Prisons chief, Appeal Officer)

III Defendants (continue) pg 2 of filing Complaint

1. Defendant: Thomas Carroll, Employed as The Warden at Delaware Correctional Center, responsible for the well being of all inmates, Mailing address: Smyrna Landing Road, Smyrna, Delaware 19977.
2. Defendant: David Pierce, Employed as The Deputy Warden at Delaware Correctional Center, responsible for the well being of all inmates, mailing address: Smyrna Land Road, Smyrna Delaware 19977
3. Defendant: David Holman, Employed as The Security Superintendent at Delaware Correctional Center, responsible for the well being of inmates in the Security Housing unit where Im housed, mailing address: Smyrna Landing Road, Smyrna Delaware, 19977
4. Defendant: Karen Hawkins, Employed as The STAFF Lieutenant at Delaware Correctional Center, responsible for investigating inmates complaints in the Security Housing Unit where Im housed. mailing address: Smyrna Landing Road, Smyrna Delaware, 19977
5. ~~Raynard Jones~~ Defendant: Raynard Jones Employed as a Correctional Officer, Rank: Co-cpl/Sargent at the Delaware Correctional Center, mailing address: Smyrna landing Road, Smyrna Delaware 19977
6. Defendant: Audrey Evans, Employed as a Correctional Officer, Rank Cpt, at the Delaware Correctional Center, mailing address: Smyrna Landing Road, Smyrna Delaware 19977

7. Defendant: Keshaw Travies, Employed as Building 17 Security Housing Unit Sargent at Delaware Correctional Center, responsible for maintaining order in Building 17 Security Housing Unit where I'm housed. mailing address: Smyrna Landing Road, Smyrna Delaware, 19977

8. Defendant: Larry Savage, Employed as The hearing officer Lieutenant at Delaware Correctional Center, responsible for fair and impartial decision making with disciplinary hearings. Mailing address: Smyrna Landing Road, Smyrna Delaware 19977.

9. Defendant: Floyd S. Dixon, Employed as Bureau of Prisons chief appeal hearing officer at Department of Correction Bureau of Prisons, responsible for fair and impartial decision making with appeal issues concerning disciplinary hearings.

10. Each defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under color of state Law.

1. After months of unnecessary punishment, mental, physical, emotional and verbal abuse and threats from co-cpl/Sgt Raynard Jones to take my job as tierman case I wouldn't accept him using his own methods of punishment on me. I wrote a grievance on May 29, 2007 and on May 29, 2007 I also wrote Deputy Warden David Pierce, Major Holman, Commissioner Carl Danberg and Governor Ruth Ann Minner a complaint on co-cpl/Sgt Raynard Jones. (See Complaint exhibit A-1)
2. On June 12, 2007 I received a response back from the office of the Governor, office of constituent relations responding on behalf of the governor, stating that they asked Commissioner Carl Danberg to review my complaint and take the appropriate action. (SEE EXHIBIT A-2)
3. I received another letter on June 12, 2007 from Bureau Chief Rick Kearney responding on behalf of Commissioner Carl Danberg concerning my complaint about Correctional Officer co-cpl/Sgt Raynard Jones and he forwarded my complaint to Warden Carroll for resolution. (SEE EXHIBIT A-3)
4. On June 13, 2007 I received a response about my complaint from Major David K. Holman about my complaint I wrote on May 29, 2007 on co-cpl/Sgt Raynard Jones. Major Holman said he was assigning my letter of complaint to STAPP Lieutenant Hawkins for her investigation and reply with her findings. (SEE EXHIBIT A-4)

Eight Amendment Violation

5. As of June 28, 2007 nothing changed co-cpl/Bgt. Raynard Jones was still inflicting unnecessary punishment mental, physical, emotional and verbal abuse and threats on me to take my tierman job and also he started tampering with my food trays by pouring coffee, milk, putting different stuff in my trays when he serve my food. So on June 28, 2007 I again wrote Major Holman explaining again what's going on with co-cpl/Sgt Raynard Jones. (SEE EXHIBIT A-5)

Violation of First Amendment/Violation of Eight Amendment

6. During the first week or so of July co-cpl/Sgt Raynard Jones changed up somewhat he stopped banging down the flaps early and loud and leaving the lights on all morning but he was still trash talking when he came around to serve breakfast and he said since people wanna tell the Warden on him "I got yu" referring to me. In the days after co-cpl/Sgt Jones would work overtime vigorously and he would work on the tier 1m on where I had the job as tierman. I alerted building Sgt. Keshaw Travies of what co-cpl/Sgt Raynard Jones was doing months in advance and the problem I was having with him but she neglected to do anything in fact she knew what he was trying to do for as retaliate against me and make good on his threat to fire me as tierman a job I had for a year.

7. On July 16, 2007 seems as I came out of my cell at 1:30pm to clean the tier cause I had the tier-man job I was immediately told to lock into the rec. yard so co-cpl/Sgt Raynard Jones and Cpl Audrey Evans can do a phone punch and area check. They did there check and left the tier I'm on which is D-tier and went to C-tier to do their check.

violation of First Amendment / Eight Amendment

8. Five minutes or so later while I was sweeping the tier I was told again to lock into the rec. yard, co-cpl/Sgt Raynard Jones and cpl Audrey Evans came out of the Pod where all the cpls sit up in during shifts and came on the tier and went to Lower eight cell and told him shake down. Co-cpl/Sgt Raynard Jones went into his cell and like 2 to 3 minutes throw 2 sups and a milk out of that inmate cell on to the ground. the inmate ask why he was talking his stuff co-cpl/Sgt Jones said its evidence.

violation of First Amendment / Eight Amendment

9. After that co-cpl/Sgt Raynard Jones and cpl Audrey Evans was exited the tier and with a sinister smile on his face co-cpl/Sgt Raynard Jones told me to lock in. I said for what, he said for passing.

10. He left off the tier, I immediately signaled up to the controls/Pod where building Sgt Reshaw Travics was working the controls and to her to come down, she came down and I told her see I told yw I didn't even pass nothing she said she new but to go lock in so I won't get in any trouble. I went to lock in.

11. About 2 hours later Lieutenant James P. Satherfield came to my cell with a disciplinary report and said co-cpl/Sgt Raynard Jones said he told me not to pass and seems as he left the tier I did it anyway (See Exhibit B-1)

12. I tried to explain to Lieutenant James P. Satherfield what was going on I tried to show him the letters I wrote on May 29, 2007 and on June 28, 2007 and the letters I received back from The Security Superintendent, The Commission office and the governors office but he declined to review them and told me to save it for when I get my hearing. On that same night I wrote to Deputy Warden Pierce and again July 16, 2007 and told him what happen (SEE EXHIBIT B-2) I also wrote the head of Security again July 16, 2007 and told him what happen (SEE EXHIBIT B-3) Neither of them responded.

13. On July 29 I wrote Staff Lt. Hawkins for the third time. I also wrote her twice before but I didn't make a copy of the letter but I did copy this one I wrote her on July 29, 2007. (SEE EXHIBIT B-4) But she never responded.

14. I wrote Warden Thomas Carroll and Deputy Warden Betty Briss on August 4, 2007 about the situation too (SEE EXHIBIT B-5) neither of them responded.

Violation of Fourteenth Amendment (Due process)

15. On July 30, 2007 I had my disciplinary hearing by Lieutenant Larry Savage, I brought all my papers the letters I wrote and the letters I received back he said he didn't wanna see "that crap". I ask for my witness he said no. I tried to confront co-cpl/Sgt Raynard Jones but he ignored me and co-cpl/Sgt Raynard Jones and Lieutenant Larry Savage started laughing. Lieutenant Larry Savage said no matter what co-cpl/Sgt Raynard Jones said I did it so no matter what I'm guilty. Cpl Audrey Evans was present to and she took up for what co-cpl/Sgt Raynard Jones said but she said she didn't see me pass nothing. I was found guilty and given 10 days loss of all privileges. I appealed. (See Exhibit Disciplinary hearing Decision)

16. On 7-30-07 I wrote my appeal up and sent with it a copy of all the letters that Lieutenant Larry Savage failed to look at my evidence I explained that he would hear nothing I had to say or go question the witness Darrell Page the cell that the stuff was taken out. Along with that I present seven grounds on why my appeal should be approved and the hearing officer's decision reversed and the disciplinary write up expunged from my record. (SEE EXHIBIT B-6)

Violation of Fourteenth Amendment (Due Process)

17. On August 18, 2007 I received a memorandum dated August 13, 2007 from Bureau of Prisons chief Ploy. S. Dixon saying my appeal was denied cause I offer no additional information to render a reversal of decision (SEE EXHIBIT B-7) I offered ample evidence that it was retaliation and a false and if Bureau chief Floyd. S. Dixon even look at my appeal he would have seen that but he failed too.

18. I exhausted all my remedies and tried to get a solution but all parties failed to look into my claims. I was humiliated, my name was slandered and lost my tierman job I had for a year. I am suffering everyday mentally and emotionally by the actions of all defendants involved.

V. RELIEF

The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendant unless this court grants the declaratory and injunctive relief which plaintiff seeks.

WHEREFORE, plaintiff respectfully prays this court enter judgment granting plaintiff:

1. A declaration that the acts and omissions described herein violated plaintiff's right under the Constitution and laws of the United States. My first, Eighth and Fourteenth Amendments rights were violated.
2. A preliminary and permanent injunction order defendants Keshaw Travies, Audrey Evans, and Raynard Jones to stay at least 100 feet from the Plaintiff Michael Jones or order defendant Thomas Carroll (THE WARDEN) to have plaintiff Michael Jones moved from Delaware Correctional Center to Sussex County Correctional Institution for my safety and welling being.
3. Compensatory damages in the amount of \$100,000 against defendant's Thomas Carroll and Defendant David Pierce jointly or severally.
4. Compensatory damages in the amount of \$50,000 against defendants David Holman and Karen Hawkins jointly or severally.
5. Compensatory damages in the amount of 11.3 million dollars against defendant Raynard Jones.
6. Compensatory damages in the amount of \$150,000 against defendants Audrey Evans and Keshaw Travies. Jointly or severally
7. Compensatory damages in the amount of \$250,000 against defendants Larry Savage and Floyd S. Dixon. Jointly or severally

8. Punitive damages in the amount of 11.3 million dollars against Raynard Jones.
9. Punitive damages in the amount of 150,000 dollars against defendants Audrey Evans and Keshaw Travies jointly or severally.
10. Punitive damages in the amount of 1.2 million dollars against defendants Larry Savage, and Floyd S. Dixon, jointly or severally.
11. Nominal damages in the amount of 9.4 million dollars against all defendants jointly or severally due to my rights being violated.
12. A jury trial on all issues triable by jury.
13. Plaintiff's cost in this suit.
14. Any additional relief this court deems just, proper, and equitable.

EXHIBIT A-1

Magne Hulman (Security Superintendent)

5-29-07

Theres a serious security problem going on over here in building 17-D-tick SHU) and before something happens to me I want it to be known whats really going on. SGT. Jones that works on 12 to 8 shift is getting bolder and bolder. About 3 months ago he started slamming down the Food Flaps at 3:30am in the morning and keeping the lights on from 3:30 am to 6:00am so people on the tick including myself confronted him about it cause breakfast doesnt come till around 5:15am or later and all no time does the Food Flaps suppose to be open. He said that we been having it easy around here and we dont get punished enough and we should be punished even more. So every morning he works SGT. Jones for the last 3 months he bangs down the Flaps extra hard a hour on a half before breakfast comes and keeps the lights on for the same amount of time and sometimes even to 7:00am in the morning. He told everybody on the tick if yw dont like it write it up he dont care he knows how to get around it. Then like a week on a half or 2 weeks ago SGT Jones on 12 to 8 still banging down the flaps all crazy and keeping the lights on so a inmate Stanley King said "Cut out the lights". SGT. Jones said he tired of our shit and came back on the tick, he didnt put no bar in the door, he didnt use no handcuffs he told the controll bubble to ^{open} ~~cancel~~ upper 3 and jst ran in there on Stanley King I didnt see what was going on from then but Stanley King continuously yelled "I wanna see a Lt" Then to lower up what he did to Stanley King he went to cells upper 4 on upper 6 to shake down to make it look like a random shake down. SGT. Jones doesnt follow any procedure after medication everyday he works he comes and get people for their insulin shots he doesnt use a bar or nothing he talks them out by his self. Then last week he started playing with certain people on the tick food one of the being Stanley King it was the morning we had eggs and for lunch we had

breakfast time Stanley King was yelling why SGT. Jones was putting shit in his food and SGT. Jones said "Its on now" Then SGT. Jones came back to serve lunch too, now the food Plaps been open for a half an hour before lunch that day. SGT. Jones once again did something to Stanley King Ford and to cover it up he wrote Stanley King up saying he threw Juice out at him when the other c/o Cirvello opened the Plaps when the Plaps was open a half hour before lunch even came. Now if he can get away with doing this to Stanley King he can get away with it with anybody. Ive been the tier man for the last 10 months I dont have no problems with no correctional staff or nobody in the last 3 months SGT. Jones threatening to take my Job numerous times cause I asked him why he doing this with the lights and Plaps early in the morning cause nobody bothering him he tells me "Shut up before he gets a new tier man," Ive been tier man for too long anyway." Majore Holman I have no reason to lie I know just by me writing you this letter I will be retaliated against, but at the same time Im not trying to continue to be subject to this "Mental Torture" everytime SGT. Jones works and Im not trying to have him run in my cell 5:00am or 6:00am in the morning and put his hands on me and get charged with assault. This is definitely a security issue. Every person on this tier knows whats going on but nobody wanna say nothing but if nobody says nothing anybody can be next. Im not trying to get SGT. Jones in no trouble but enough is enough, he should^{nt} be able to use his own methods of punishment on me or anybody else cause what he doing is not only affecting me it affecting the whole tier. Ask with all due respect to please get involved. You can check the progress Ive been making to get out the SHU I dont need no self backs just because SGT. Jones is bringing to work his issues hes having at home and taking it out on me. I dont want to be a part of this but I cant help it. I dont want to be a

retaliatory practices by SGT. Jones or any other correctional
offices for this matter

Respectfully Submitted
Michael J. [Signature] #417267
STAV-17 D-tier upper 8
D-tier - tier main

cc: Deputy Warden Pierce
Commissioner Carl Danberg
Gov Ruth Ann Minner

EXHIBIT A-2

STATE OF DELAWARE
OFFICE OF THE GOVERNOR

Ruth ANN Minner
Governor

June 12, 2007

Mr. Michael Jones
DELAWARE CORRECTIONAL CENTER
SBI# 417267
1181 Paddock ROAD
Smyrna, DE 19977

Dear Mr. Jones:

Thank you for contacting Governor Ruth Ann Minner. The Governor is in receipt of your letter, and has asked the office of constituent relations to respond on her behalf. Governor Minner appreciated it when fellow Delawareans take the time to communicate directly on the many issues we face in Delaware.

I have asked the Department of Corrections Commissioner Carl Danberg to review your letter and take the appropriate action. Thank you again for taking the time to write to Governor Minner.

Sincerely,
Keyla Rivero Rodriguez
Keyla Rivero-Rodriguez
Constituent Relations

copy to original I sent in with my appeal

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
BUREAU OF PRISONS
245 MCKEE ROAD
DOVER, Delaware 19904
Telephone: (302) 739-5601
FAX (302) 739-8221

TO: Inmate Michael Jones
SBI 417267

From Bureau chief Rick Kearney R.K.

Dated: June 12, 2007

I recieved your letter addressed to commissioner Danberg concerning your complaint about Sgt Jones. I have fawarded your complaint to Warden Carroll for resolution

RAK/cec

Cc: Warden Tom Carroll
File

copies to original I sent in with my appeal

EXHIBIT A-3

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
OFFICE OF THE SECURITY SUPERINTENDANT
MAXIM & MEDIUM-HIGH SECURITY
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
Smyrna, Delaware 19977
Telephone (302) 653-9261
Fax (302) 659-6663

MEMORANDUM

TO: W/M Michael Jones #417267
SHU 17

From Major David K. Holman DKH

DATED: June 13, 2007

RE: Your letter of 5/29/07

I am assigning your letter of complaint to S/Lt. Hawkins for her investigation and reply to me with her findings.

DKH/cf

XC: Deputy Warden Pierce
S/Lt. Hawkins
File

copy to original, I sent in with my appeal

EXHIBIT A-4

EXHIBIT A-5

Major Holman,

6-29-07

You wrote me a memorandum dated June 13, 2007 saying you are assigning my letter of complaint to S/LT Hawkins for her investigation and reply to you with her findings. Well there has been no S/LT Hawkins around to investigate cause surely you would have heard what SGT Jones on 12 to 8 shift is doing and put a stop to it. All you have to do is come around and go cell to cell and ask what's going on, see you have guys that are scared to write cause of ~~the~~ fear of retaliation and then you got other guys SGT Jones gives extra food in the morning so they definitely not going to say nothing. Listen, SGT Jones is putting stuff in my breakfast trays the other c/o's know he's doing this but won't say nothing about it, my food is extra soaked with brownish liquid, he's still banging down the flaps a hour or a half before breakfast lights are still on from 4 to 6 I mean he follows no procedure he is a procedure unto himself. Now he telling me if I don't eat the food he is surely doing stuff to he going to take me out to the nurse to get weighed! Major Holman he trying to find a reason to come in my cell he comes by looking at me with a frown on his face I'm not scared I just don't want no trouble I've been tick man going on a year now I don't have no problems with no other c/o's, he's really mad cause I haven't been talking to him cause all the B.S he's been doing. Listen this guy handles my food breakfast 5 days outta the week so I can't eat 5 mornings out of the week and then he's trying to say I'm on some type of hunger strike but he know ~~that~~ I'm not a dummie. He comes by my cell talking trash I don't say nothing back. All the c/o's on 12 to 8 and 8 to 4 are aware of he has it out for me I'm pretty sure you could find one that will tell the truth! I just want this to stop I wanna eat my breakfast, I wanna get some sleep without all

the extra stuff. I have exhausted all my remedies Fax as institutional wise, I mean Im following procedure writing yw guys like yw guys say we must do but nothings being done about ~~now~~ this situation. I ask that this situation be handled immediately cause Im missing the most important meal of the day break feast cause SGT. Jones is putting stuff in my food.

Michael Jones #417267
SHU-17 D-U8

MY COPY

Disciplinary#
1033294

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 07/16/2007

DISCIPLINARY REPORT

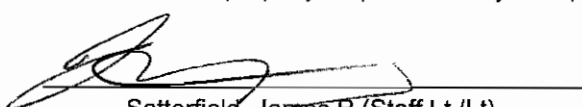
Disciplinary Type: <u>Class1</u>		Housing Unit: <u>Bldg 17</u>		IR#: <u>1043913</u>	
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00417267	Jones, Michael L	DCC	Bldg.17 D Tier	07/16/2007	13:41
Violations: 2.01/200.105 Abuse of Privileges, 2.06/200.108 Failing to Obey an Order, 2.10/200.213 Lying, 2.13/200.111 Possession of Non-Dangerous Contraband					
Witnesses: 1. <u>N/A</u> 2. <u>N/A</u> 3. <u>N/A</u>					
Description of Alleged Violation(s)					
<p>On July 16th, 2007 At 134hrs., I Sgt. Raynard L. Jones And Cpl. Audrey Evans Went On Delta Wing In Bldg.-17 For Phone Punch And Area Check. When I Was Leaving D-Wing I Noticed That The Tier-Man Michael Jones Sbi- 00417267 Was Trying To Conceal 2packs Of Ramen Noodles And A Milk In The Window Of Yard 1 Where He Was Secured. I Asked Him And Quote, " You Are Not Getting Ready To Pass That Are You"? Inmate Michael Jones Replied, "No". After Cpl. Evans And Myself Exited D-Wing I Went To The C&D Flap And Told The Pod Officer Sgt. Keshaw Travies, " That Inmate Jones Had 2 Packs Ramen Noodles And A Milk That I Think He Is Going To Pass After He Gets Out Of The Yard". I Act Like I Was Going On C-Wing And Came Back To D-Wings Big Window And Saw Inmate Jones Put The Contraband Under The Door Of Delta Lower 8 Where Inmate Darrel Page # 00410556 Lives. I Immediately Requested From Sgt. Branch A Door Bar And A Set Of Handcuffs. I Then Entered D-Wing And Went To Cell Lower 8 For A Shakedown, There I Had To Wake Inmate Page To Tell Him That We Were There For A Shakedown. Inmate Page Got Up And Came To The Door And When The Door Was Opened The 2-Packs Of Ramen Noodles And 1 Milk Was Laying On The Floor By The Small Square Opening At The Bottom Of The Door. I Asked Inmate Page, " Was The 2-Packs Ramen Noodles And 1-Milk His?, And He Said, " No". At That Time I Told Inmate Page, " That I Am Taking The 2-Packs Of Ramen Noodles And 1 Milk " And Inmate Page Had No Objection. I Then Ordered Inmate Jones To Lock-In After We Exit The Tier And He Will Be Written-Up For Passing Contraband Into Cell Lower 8. End-Of-Report.</p> <p>Reporting Officer: <u>Jones, Raynard L (CO Corporal/Sgt. - Large Inst.)</u></p>					
Immediate Action Taken					
<p>Immediate action taken by: <u>Jones, Raynard L -CO Corporal/Sgt. - Large Inst.</u></p> <p>Write Report And Notified Lt. James Satterfield</p>					
Offender Disposition Details					
Disposition: <u>N/A</u>		Date: <u>N/A</u>		Time: <u>N/A</u> Cell secured? <u>No</u>	
Reason: <u>N/A</u>					
Disposition Of Evidence: <u>N/A</u>					
Approval Information					
<p>Approved: <input checked="" type="checkbox"/> Disapproved: <input type="checkbox"/> Approved By: <u>Satterfield, James P (Staff Lt./Lt)</u></p> <p>Comments: <u>N/A</u></p>					
Shift Supervisor Details					
Date Received: <u>07/16/2007</u>		Time: <u>15:16</u>		Received From: <u>Satterfield, James P</u>	
Shift Supervisor Determination:					
<p><input type="checkbox"/> Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)</p> <p><input checked="" type="checkbox"/> Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.</p>					
 Satterfield, James P (Staff Lt./Lt)					

EXHIBIT-B-1

07/16/2007
1033294

DCC Delaware Correctional Center

Date: 07/16/2007

Smyrna Landing Road

SMYRNA DE, 19977

Phone#: 302-653-9261

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

INMATE RIGHTS IN THE DISCIPLINARY PROCESS

MINOR OFFENSE :

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent, your silence will not be considered against you at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.

EXHIBIT B-1

07/16/2007
1033294

DCC Delaware Correctional Center

Date: 07/16/2007

Smyrna Landing Road

SMYRNA DE, 19977

Phone#: 302-653-9261

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

TO: Inmate: Jones, Michael L

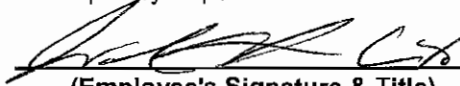
SBI#: 00417267

Housing Unit: Bldg 17

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.
How do you plead ? ☐ Guilty ☒ Not Guilty
3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand
 - b. Loss of one or more privileges for a period of time of more than 24 hours but not to exceed 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of time not to exceed 90 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 90 days.
 - c. Isolation confinement for a period of time not to exceed 90 days.
 - d. Loss of good time for a period of time not to exceed 90 days.(Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the right in the disciplinary process as stated on the lower and back of this page.
These have been fully explained to you at the time of this notification.
6. Counsel requested No Name of Counsel:
7. Confront accuser? No
8. Witness requested? No Yes Name of Witness: CPL. EVANS

I certify that on 07/16/2007 at 15:16, I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

I have received copies of 122 & 127 and understand my rights as Form # 127 has been read to me



(Employee's Signature & Title)
Satterfield, James P

(Inmate's Signature)
Jones, Michael L

EXHIBIT B-1

Disciplinary#
1033294

DCC Delaware Correctional Center

Date: 07/16/2007

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY REPORT

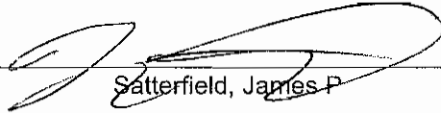
Disciplinary Type: Class 1

Housing Unit Bldg 17

IR#: 1043913

I have received a copy of this notice on DATE: 7-16-07 TIME: 1525 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:


Satterfield, James P

Offender:

Jones, Michael L

EXHIBIT B-1

EXHIBIT B-3

Depty Warden Pierce

7-16-07

I wrote yw along with Majore Holman, Commissioner Carl Danberg and Ruth Ann Minner (gov). I told yw what was going on, on 17-D tier and how SGT. Jones was using his own Methods of Punishment cause he said we wasn't being punished enough (5-29-07) I also said I knew I would be retaliated against but yw guys need to know what was taken place. Well today I was fired as the tierman by SGT Jones a job I have had for a year now and the reason was fictivis, he made it up cause he know I wasn't doing anything wrong so he wrote up a fictivis write up. The same way I told yw he wrote up a fictivis write up on inmate Stanley King saying throw a tray at him. I was retaliated against and I know it's not going to stop here. I ASK that yw investigate this matter please and that when it's found this was not only made up it was retaliatory on SGT. Jones part that I get my tierman Job back and safeguards are put in place to insure that SGT. Jones will not have a chance to inflict anymore wrong doing on me. I ASK yw to please, something needs to be done before this gets out of hand it's only going to escalate and SGT. Jones already think he's the Alpha Omega and he can do whatever he wants. I was retaliated against for writing yw. Majore Holman Gov. Ruth Ann Minner and Carl Danberg. Please take immediate action I don't want this to go any further.

NOTE: I told 100% truth in all the letters I wrote about what SGT Jones was doing ITS ALL VERIFIABLE JUST ASK THE WHOLE 17-D tier what he does. HE LIED ON ME TO GET ME FIRED AS THE TIERMAN THAT MEANS HE CAN SAY ANYTHING AND GET ME IN TROUBLE.

Respectfully Submitted
Michael Jones 417267
SHU-17-D-16

(4)

EXHIBIT B-3

Major Holman

7-16-07

I wrote you 2 letters one dated 5-29-07 and another dated 6-28-07 about SGT. Jones on 12th and I told you in the letter I knew I would be retaliated against but his actions were harming me mentally, physically by keeping the lights on all morning and banging down the flaps etc. Now today he retaliated against me and made up a fictitious disciplinary ^{written} and my tie man job was taken. I wrote the Commissioner Carl Danberg, Gov. Roth Ann Minner, You and Deputy Warden Pierce and because I spoke out I was retaliated against I didn't lie I told the Truth of what he was doing he tried just to get me fired as the tie man, I have been the tie man for a year straight, I've never had a problem with no cops in this building. See almost every morning at breakfast when he works he comes by my flap and always has something to say and I never say anything back never cause I know its a set up. He couldn't find nothing I was doing wrong, cause I wasn't doing nothing wrong! So he made up a fictitious write up to have me fired. And I know hes not going to stop here just like I told you in the letter dated 5-29-07 how he wrote up a fictitious write up on inmate Stanley King about throwing a tray and at him which was also a lie. There's nothing I can do but ~~you~~ write you and the rest of the Administration and pray that this matter be investigated to and that when its found that I was retaliated against that I get my job back. I did nothing wrong this was pure retaliation. Don't wait until he does something serious to me to act ask that action be taken place now

Respectfully Submitted
 Michael Jones # 417267
 SHV-17-D-UB

my copy

EXHIBIT B-4

STAFF LT HAWKINS

7-29-07

I tried writing you but I see my letter fell on blind eyes and deaf ears. I talked to Lt. James P. Satterfield about my issue with SGT. Jones and how he falsified a write up to get my job as tie man taken. And also how at breakfast time he's been playing in my food. I've talked to Lt Satterfield numerous times trying to resolve this issue. I'm not the problem I've been on this tier D-tier 17 & since Sept 05 I've never had a problem with no c/o's SGT. Jones is the problem not me and since I spoke up he set me up just like I've been said he would do I'm asking you to call me up to your office so I can explain to you and show you proof that this is retaliation on SGT. Jones part. All the other c/o's know I don't cause no trouble even SGT. Travis know that SGT. Jones lied on me to get me fired as tie man cause she was working the controls when it happened and I've been told her ~~that~~ all the stuff that was going on but I don't know if she's going to admit it or not. I've followed procedure and I'm still being subjected to little comments and my breakfast being tampered with. Now when I file this lawsuit next week I don't want to be a target from the Administration cause it's going on 2 months since I wrote the first letter and 2 weeks since I've been retaliated against. SGT Jones made up the write up period blank period. I'm asking for the last time that you either come talk to me or bring me up front to see you to discuss this matter and possible come up with a resolution.

Respectfully Submitted
 Michael Jones 417267
 STU-17-D-08

cc: My file

EXHIBIT B-5

(WARDEN) (WARDEN)
Mr. Thomas Carroll / Mrs. Betty Buriss

8-4-07

I'm not writing you expecting a just result all the rest of my letters have fell on blind eyes and death ears this is just another I get in court and I am taking this matter to court I exhausted ALL remedies. I wrote Major Holman, Deputy Warden Pierce, Commissioner Carl Danberg, Gov. Ruthann Minner on 5-29-07 about one: Cpl/SGT ~~JONES~~ Raynard Jones and him since the beginning of the year he was coming to work on 12 to 8 using his own methods of punishment by keeping the cell lights on from 3:30am to 6:00am and banging down the flaps extra hard at the same time and acting all belligerent saying we don't get punished enough and we need to be punished more and I was getting migraine headaches so I confronted him in an appropriate manner about a half dozen times and his responses were shut up before I get a new tierman, you been tierman too long etc. He just would threaten to take the tierman job from me so I can't say nothing else cause I was tierman, he even went as far as running in TjM Stanley, 6:00am KING cell no security bar no nothing cause TjM Stanley King confronted him one day. And he told everyone to write it up he knows how to get around it. So I wrote knowing I would be retaliated against but I trusted D.C.C. Administration by writing and letting you all know what was going to happen for as ^{him} talking my job I wrote that 5-29-07 with a follow up letter to Major Holman 6-28-07 cause then and still run Cpl/SGT. JONES is putting stuff in my breakfast trays. Now I know for a fact someone from a higher up rank talked to Cpl/SGT. JONES cause during the first week of July he stopped keeping on the lights and banging down the flaps and like a week after that July 16 Cpl/SGT. JONES falsified a disciplinary write up to fire me as the tierman All c/o's even building SGT. Travis know it's false but nobody wanna go

it don't even sound right I'm not illiterate why would I pass something if HE told me not to knowing he was out to get me? It just don't make sense he basically figured out I wrote a couple letters on him and he retaliated against me. If I was illiterate I wouldn't be able to file this lawsuit on my own behalf. He got the write up and I was fired from the fireman, so that I had for the last year. And afterwards I'm continuously being taunted by one: CPL/SGT. JONES everytime he works, he works doubles like everyday, my food trays are continuously being tampered with. Everybody is aware I told everybody before I was fired and since I spoke up I was fired as tierman. I told SGT. Travis, Lt. Satterfield, Counselor Aicello, Major Holman, Deputy Warden Pierce, Commissioner Carl Danberg, Gov. Ruth Ann Minner, S/LT. Hawkins. I'm being subjected to verbal abuse cause now I'm called the "Whore's Bitch" by one CPL/SGT. JONES. If yw look at Major Holman, Deputy Warden Pierce ^{file} any of them yw will see I been wrote them 5-29-07 and 6-23-07 so its not like I'm just writing this has been going on and now yw are notified for yw review and action.

Note: Bureau Chief of Prisons Rick Kearney wrote me June 12, 2007 and said he forwarded my complaint ^{dated 5-29-07 about SGT JONES} to yw for yw resolution so yw already should know.

Respectfully,
Michael L. Jones 41721
5th building 17-Dupper 8

(my copy)

no doubt I am a piss

DR #
1033294

EXHIBIT DISCIPLINARY Hearing Decision

Date: 7/30/07

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

DISCIPLINARY HEARING DECISION

☐ Class I (Major) ☒ Class II (Minor) ☐ Summary (24 Hour LOAP)

Inmate: Jones Michael SBI#: 00 417267
Institution: Delaware Correctional Center Hearing Date: 7/30/07 Time: 1330

Inmate Present: ☒ Yes ☐ No

Reason (If No):

Violation: 201/200.105, 206/200.108 2.10/200.213 2.13/200.111
Inmate Plea: not guilty
Inmate Statement: I'm a retaliation for me writing me up.

Witness Name:
Testimony:

Witness Name:
Testimony:

Witness Name:
Testimony:

Decision: ☒ Guilty ☐ Not Guilty ☐ Further Investigation

Rational: During transportation inmate didn't have any question per Sgt. Jones. Per report and Cpl. Evans statement inmate pushed colleague. I am guilty of all charges.

Sanctions: 10 days CDD
Hearing Officer's Signature: [Signature]

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.

☐ I do not intend to appeal.

Inmate's Signature: [Signature]
Inmate's Signature

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designee
☐ Sanctions have been modified ☐ Time Limit (72 hours since hearing) for appeal has expired

Modifications:
It is hereby ordered to implement the sanctions or modified sanctions on Date: Time:

DR# 1033294

DCC DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
Smyrna, DE 19477

DATED 7/30/07

DISCIPLINARY HEARING APPEAL FORM

Inmate: Michael Jones
RE: DISCIPLINARY HEARING

SBI# 00417267

You have the right to appeal the decision of the Hearing Officer to the Commissioner of the Department of Correction, or his designee. Execution of any sanction imposed by the Hearing Officer shall be automatically stayed for seventy-two (72) immediately following the hearing UNLESS YOU INDICATE ON THIS FORM THAT YOU DO NOT WANT to appeal. If you do not file an appeal within seventy-two (72) hours, or if you indicate on this form that you do not want to appeal, the sanction shall be carried out immediately.

☒ Yes, I do want to appeal

☐ No, I don't want to appeal

I want the decision of the Hearing Officer to be:

☒ Reversed, and/or

☐ Remanded for further proceeding

My reasons for making this appeal are:

Appeal description:

I went to my hearing with evidence letters that I wrote Gov Ruth Ann Minner, Commissioner Carl Danberg, Security Superintendent Major Holmen. I wrote them all on 5-29-07 about SGT. Jones using his own methods of punishment here in D-tick 17 in the SHU and how he ran into another inmate cell at 6:00am with no security bar no cuffs no nothing but then wrote that inmate up for something to cover up what he did. I also wrote saying that I've been tickman for almost a year and cause I confronted him on what he was doing he was constantly threatening to take my tickman job. And I spoke up and asked that I not be retaliated against by SGT. Jones. Nothing changed and then he started putting stuff in my food trays still using his own methods of punishment by keeping the lights on from 3:30am to 6:00am and banging down the tick flaps to wake everybody up at 3:30am saying we don't get punished enough and we need to be punished more. So I wrote again on 6-28-07 saying nothing's changed and he's still doing the same thing. So the Warden must have said something to him cause like sometime during the first week of July he stopped banging down the flaps and stop keeping the lights on all morning and he said "you'll wanna cry like girls" So then on 7-16-07 I came out for my tickman job that I've had for the last year and they locked me in the cage to do a phone punch him and cpl Evans did a phone punch and then went to C-tick

EXHIBIT B-6

he said none of that matters "You're Guilty" 10 day ctg. straight like that. I ask that this appeal be looked over and investigated check the Warden Tom Carroll, Deputy Warden Pierce, S/Lt Hawkins, Major Holman, Bureau of Prisons chief Rick Kearney and the office of constituents relation and you will find that I wrote all of them on 5-29-07 like a month and a half before I was fired/retaliated against by SGT. Jones. He falsified the write up to get me fired and also Lt. Savage didn't even go ask my witness Darrel Page #10556 what happen like I asked to so I also want that investigated. - I haven't yet heard back from the letter I wrote on 6-28-07 yet. Here is a copy of the letter I wrote to all those individuals and you can check their files its the same exact thing I wrote.

- COPY OF LETTER DATED 5-29-07

Note: This was wrote on 5-29-07 Lt. Savage the hearing officer would not even look at it. I wrote a follow up letter on 6-28-07 this is exactly what I wrote check Major Holman file:

- COPY OF LETTER DATED 6-28-07

Note: I wrote this letter 6-28-07 like a week later SGT. Jones stop keeping the lights on and like a little over a week after that 7-16-07 I was fired from the truckmen that I had for a year now for a falsified disciplinary infraction.

This is why Lt Savage ruling should be reversed and my guilty verdict vacated and expunged from my institutional Jail record.

Ground one: Lt. Savage failed to look over my documentation that included letters I wrote and letters Major Holman, Commissioner Carl Danberg, Gov. Ruth Ann Minner wrote me back concerning the issue with SGT. Jones.

The evidence I had was overwhelming that SGT. Jones intentionally with reckless disregard for the truth falsified the disciplinary write up to get me fired as the triggerman in retaliation for the letters I wrote on him period. For all the reasons/grounds stated here in, Lt. Savage Guilty verdict should be reversed, vacated and expunged from my institutional record.

Dated: 7-30-07

Michael Jones 417267
 DR# 1033294

Exhibit A - one letter Dated June 12, 2007 to V. ROTHMAN

Exhibit B - one letter Dated June 13, 2007 to Major DAVID K. HOLMAN

Exhibit C - one letter Dated June 12, 2007 (Bureau of Prison's chief Rick Keeney)

Enclosed for your review and when your done can you please send these Exhibits back to me these are the originals and I need them back or a copy!

17

Inmate : Jones, Michael LSBI#: 00417267Type: Class 1Institution: DCC Delaware Correctional CenterHearing Date: 07/30/2007Time: 13:30**MEMORANDUM**To : Jones, Michael LFrom : Chief, Bureau of PrisonsRE : APPEAL DECISION**1. Confinement to Quarter**Your appeal ☐ Accepted ☒ DeniedThe decision of hearing ☒ Affirmed ☐ Reversed ☐ Remanded for further proceedingsThe sanction imposed by hearing officer will ☒ Remain as imposed by the Hearing Officer ☐ ReducedThe basis of this decision is as follows :

You offer no additional information to render a reversal of decision.

This report has been reviewed by Dixon, Floyd S

*F. Dixon*Date Reviewed **08/13/2007**

EXHIBIT B-7

1033294

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : Jones, Michael L **SBI#**: 00417267 **Type**: Class 1
Institution: DCC Delaware Correctional Center **Hearing Date**: 07/30/2007 **Time**: 13:30
Inmate Present: Yes **Reason(If No)**: N/A
Violation: , 2.01/200.105 Abuse of Privileges, 2.06/200.108 Failing to Obey an Order, 2.10/200.213 Lying, 2.13/200.111 Possession of Non-Dangerous Contraband
Inmate PLEA: Not Guilty
Inmate Statement: It's retaliation for me writing him up.
Witness Name: Evans, Audrey CPL.
Inmate Testimony : N/A
Decision : Guilty
Additional : During confrontation inmate have any questions for Sgt Jones. Per report and Cpl Evans statement inmate passed contraband. Found guilty of all charges.
Recommendations: N/A

HEARING OFFICER'S SIGNATURESavage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ **DO** ☐ **DO NOT INTEND TO APPEAL**

INMATE's SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

☒ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☐ Time Limit(72 Hours since hearing) for appeal has expired

is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	09/10/2007	10	09/19/2007

EXHIBIT B-7

TO: Michael Jones
SBID 412267 UNIT SHU
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



U.S.M.S.
X-RAV

CLERK-U.S. District Court
Lock box 18
844 N. KING Street
Wilmington, DE
19801

LEGAL MAIL